

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Criminal No. 16-167 (SRN)

UNITED STATES OF AMERICA,                )  
  )  
Plaintiff,                                  )  
  )  
v.    )  
  )  
SENG XIONG,                                )  
  )  
Defendant.                                 )

**ORDER**

This matter is before the Court on the United States' motion [Doc. No. 182] for an order recognizing that Defendant waived his attorney-client privilege by asserting ineffective assistance of counsel in his Motion To Vacate Sentence Pursuant To 28 U.S.C. § 2255. [Doc. No. 176.]

**WHEREFORE**, having moved to vacate his sentence under 28 U.S.C. § 2255, based the alleged ineffective assistance of his defense counsel, Nom Fue Thao, Esq., the Court hereby recognizes that Defendant waived the attorney-client privilege as to those matters asserted in his motion or necessary to respond thereto. *See, e.g., Tasby v. United States*, 504 F.2d 332, 336 (8th Cir. 1974) (“When a client calls into public question the competence of his attorney, the privilege is waived.”).

Accordingly, it is hereby **ORDERED** that the Government shall serve a copy of Defendant's Motion and supporting documents, and this Order, on Mr. Thao.

Dated: July 9, 2019

s/Susan Richard Nelson

SUSAN RICHARD NELSON

United States District Judge